

**THE ENDURING STORM:
THE STORY OF THE STORM KING CASE AND THE PEOPLE WHO
LAUNCHED THE MODERN ENVIRONMENTAL MOVEMENT**

Written by: John F. Ansley, M.A., M.L.S.

JOSEPH DURSO¹

Just how do you feel that Con Ed's plant would deface the area?

CARL CARMER

In spite of everything which they say, the construction of this plant would be a hideous eyesore on the mountainside...

MAX ULRICH²

Nearly ten million people need more electricity our Cornwall project will provide it at lower cost and at greater reliability than by any other means. We at Con Edison have made every effort to design this plant to fit into its surroundings to be as inconspicuous as possible...

BETSY PUGH

Um, a group of people met in Carl Carmer's octagon living room. Um, in 1963 and she did not...

DAVID SIVE

And that case is one of the most important for establishing the standing of environmental groups...

TOYA DUBIN

Being involved in the environmental movement to whatever degree I have been involved, has been, I guess the closest thing to religion that I have ever known.

MUSIC

“And I’m still searching”
[Pete Seeger]

NARRATOR

[John Ansley]

In September, 1962, the Consolidated Edison Company announced plans to build a pumped storage facility, the largest power plant of its kind in the world, at Storm King Mountain, near Cornwall, NY. The plant was intended to help meet the growing demand for electricity in New York City. The initial application for license to construct the plant was filed with the Federal Power Commission in January, 1963. On November 8th of the same year, a small group of concerned citizens met at the home of Carl Carmer, author of the *Hudson River* and other historic works, and formed the Scenic Hudson Preservation Conference to fight the Power Plant Project on the grounds that it posed a threat to New York’s water supply, Hudson River fisheries, and the historic significance and scenic beauty of Storm King mountain.³ This is the story of the Storm King Case, and the people who helped launch the modern environmental movement.

In 1964 *The World at 10 News Show* with Joseph Durso, which was broadcast on New York’s WNDT television station, aired an interview with Consolidated Edison’s public relations officer, Max Ulrich and Carl Carmer, the honorary chairman of the Scenic Hudson Preservation Conference, Max Ulrich describes Consolidated Edison’s plans for their pumped storage facility.

MAX ULRICH⁴

We in Con Edison have made every effort to design this plant to fit into its surroundings to be as inconspicuous as possible.

NARRATOR

Joseph Durso talks with Carl Carmer

JOSEPH DURSO⁵

Just how do you feel that Con Ed’s plant would deface the area?

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CARL CARMER

Well, in spite of everything which they say, the construction of this plant would be a hideous eyesore on the mountainside.

MAX ULRICH⁶

About eighty percent of the plant itself would be below the ground, and the upper level of the power plant is only thirty feet above the water level. All electrical cables to take power away from the plant will go underneath the river and will continue underground to a point well beyond the opposite shore. I have a photograph here taken from a boat in the river, which shows the mass of the Storm King Mountain and the relatively insignificant proportions of the proposed plant.

CARL CARMER⁷

At the beginning, it's planned for 800 feet in length, ultimately 1200 feet, from river level into the mountain, it would run a total of 640 feet, and from river level upward, to the highest point of the excavation would be 160 feet, it would be as if you put several Queen Marys side by side and then say it won't be invisible. It won't be visible, I should say. Which is what they are trying to persuade the public. In effect it is a quarry, furthermore it would be littered over with all manner of electrical equipment, and surmounted by a gantry crane over 100 feet high, which would be conspicuous from all around.

MAX ULRICH⁸

Nearly ten million people need more electricity, our Cornwall project would provide it at lower cost and at greater reliability than by any other means, in addition it will make a very substantial contribution to the control of air pollution in New York City, by making it possible for our company to shut down sizeable quantities of electrical generating equipment which are the least efficient, from the standpoint of air pollution control. This model here, shows the unique advantage of a natural basin where the reservoir will be located. It is about two miles back from the river, and high above the power plant, which would be located down here at the river's edge. A tunnel, dug far below the surface, will connect the two. We have located the tunnel far enough away from the city aqueduct so that there is no possibility of any damage at all.

JOSEPH DURSO⁹

You also expressed some fear of the earthen dams that will have to be constructed.

CARL CARMER

Well, there would be five of these dams or dykes, as Con Ed calls them, to hold in this proposed reservoir. The highest one of them, initially would be 270 feet high, and ultimately 320 feet high. If that dyke should give way, and there have been a number of failures, as witnessed Los Angeles last year, and one in Italy, all of which were duly pronounced safe, if this dyke should give way, it would be the end of the village of Cornwall.

JOSEPH DURSO

You also have some complaint about the aqueduct in the area? There's some question about its reliability.

CARL CARMER

The Ashokan aqueduct from the Catskills to New York City and every third glass of water that you drink comes from that aqueduct, had a serious fault in construction immediately underneath the proposed plant site with Con Edison. It's something that New Yorkers might contemplate that the continual blasting for this plant may produce another fault in the Ashokan aqueduct which would seriously cripple New York's water supply.

MUSIC

"Hudson River Suite: The River"

[Ferde Grofe]

BETSY PUGH

I am Betsy Pugh, having been involved with Scenic Hudson since about 1964, in various capacities, a group of people met in Carl Carmer's octagon living room in 1963, and she did not become involved until a year or so later.

NARRATOR

FRANNY Reese, prominent environmental activist and Scenic Hudson co-founder.

FRANNY REESE¹⁰

Our name was Scenic Hudson Preservation Conference, because the people that started this, each represented other groups.

BETSY PUGH

So Scenic Hudson Preservation Conference, under the driving force of Franny Reese moved forward. She hired people to work in the office in New York, she had a few people up here, and people worked at her house, here, worked at her house in Long Island, it was a very small and private situation.

FRANNY REESE¹¹

Leo Rothschild was chairman, had blown the whistle on Con Ed and alerted people. Thanks to the Duggins, Steve and Smokey Duggin, Cornwall was a hotbed of enthusiasm, and Steve had enlisted Lloyd Garrison who was one of the great lawyers of the time, our Senator, State Senator, Pomeroy, was the one who instituted the grand [missing word] proceedings, and he agreed that we hadn't had a proper hearing in Washington and that the people should be given another chance and that people could come and testify.

BETSY PUGH

I can remember in 1964 going over to Bear Mountain for the hearings that took place over there, and there was always an argument about licensing and whether or not the plant should be licensed or not licensed, but I believe we all know that that um, amazing artist rendering that was published in the New York Times showing exactly what was going to happen to Storm King Mountain did more to push the cause of Scenic Hudson Preservation Conference than almost any other thing that happened. And also at that time, I don't think people knew a great deal about the river, people were... they loved it, they looked at it, thought it was pretty and that was that. They didn't think much about the current and the tides, going back and forth and then this all, this Storm King Case, brought all of it to everybody's attention. I think that the Storm King Case had enormous ramifications above and beyond just the environmental history, but also what people do and feel about environmental problems, the beautiful river gorge, which is down near Cold Spring, all of that area is being protected by people who

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are quite vigilant. That was not true at the time of the Storm King case because people were ignorant of the value it was just always there.

FRANNY REESE¹²

We hadn't a clue that we were doing anything legally that was going to be exciting, but what we did understand was that this was a mission that would go on long after the Storm King case.

MUSIC

"Hudson River Suite:Henry Hudson"
[Ferde Grofe]

DAVID SIVE

Well, I am David Sive as I am often referred to as the father of environmental law. I became part of the Storm King case in the preparation for the second round of hearings, and that case is one of the most important for establishing the standing of environmental groups. Public interest law was really the creation of environmental law. Cases such as the Scenic Hudson cases were brought by public interest organizations, generally ad hoc. Whose members and support, was people of means, often the very highest of the economic scale. But the problem was that you needed support, funding and lawyers and other things for what I call a poor interest. The interest of preserving scenic beauty, which was the foundation of virtually all of the early environmental cases. So, the Scenic Hudson is almost cosmic in its importance.

BESTY PUGH

In 1980, Con Edison decided that they would settle, and there is a marvelous photograph of FRANNY Reese and Bob Boyle and I think Russell Train and um, may have been Mr. Loose from Con Ed, signing the papers that ended the whole thing and it was very nice and FRANNY said Mr. Loose never spoke to her again. I wouldn't be surprised.

MUSIC

"Hudson River Rag"
[Mary Flower]

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TOYA DUBIN

My name is Toya Dubin, I was born and raised Toya Fisher and born and raised in Cornwall, New York, where the Storm King Case took place.

BILL SCHUSTER

I'm uh, Bill Schuster, William Stanley Fallon Schuster, and I am executive director of the Black Rock Forest Consortium and I have been in that position for the last 17 years, lived here in Cornwall that whole time.

TOYA DUBIN

I grew up on Ridge Road, which is sort of half way down Storm King Mountain, kind of in an ideal spot, because it was half way between the top of the mountain, and the town, which is down in the valley at the base of the mountain. And that spot put us in an interesting physical and ideological place also. Halfway between two very different sets of ideas about what should happen with the case.

BILL SCHUSTER

The Black Rock Forest consortium is a group of twenty-one academic institutions that jointly oversee and run programs at the Black Rock Forest. So the forest itself is nearly 4,000 acres, on top of these mountainous lands, the uh, Hudson Highlands, and um, the consortium has the responsibility of overseeing this land and providing for educational and research programs for the various member institutions. The Cornwall community is ah, got outstanding natural resources, ranging from the Hudson River itself to the mountains all surrounding it.

TOYA DUBIN

My Dad uh, started the business we work in together which is a preservation, microfilming and high-resolution scanning business now. It started out as a very small family business, and then it grew and now we're in Port Ewen and we have well, right now about 54 people working with us, some of whom have worked with us for more than 30 years. I became involved in the environmental movement very early in my life, and that is because again, I was in the right place at the right time, I was a child during the era when people talked about flower children, and uh, as a six-year old or so, um, I remember going on this walk up through Black Rock, with my Dad, to protest Con Edison's plan to build this power plant, essentially they wanted to level a portion of the mountain and flood it, and all these beautiful trees and incredible squirrels and birds and wonderful flora and

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fauna would have been inundated, and that would be something that would, or at least my childhood understanding of it was, or that that was going to be happening on a daily or nightly basis, now as an adult I understand that the engineering behind that didn't have necessarily all of that water being swapped out every day, but, you know, at six years old you don't understand the engineering principles quite so well.

BILL SCHUSTER

Another big impact on the Cornwall community to me though was what happened with Black Rock forest here, in the town of Cornwall. So Black Rock was going to be the location of the large reservoir for this pumped storage power plant. Actually it was going to be centered on the upper reservoir, um which the forest surrounds, it is actually owned by the village of Cornwall-on-the-Hudson, but in addition to the site of the Upper reservoir, um, I'm not sure how much, maybe a couple of hundred acres of surrounding forest would have been inundated by the plant and in fact the taking zone would have been a huge area that would have included our science and education center and our forest lodge right here, our main access road, it would have really substantially changed the forest itself, the way it looks, its ecology and it would have probably prevented what was able to grow here from even happening. So the fact that it didn't occur in this location, and then um, Bill Golden was able to purchase the forest from Harvard, and set up this consortium of institutions, and they've developed programs on this very site that would have been part of the workings of this reservoir and we now have over 11,000 student visits per year, of all ages learning about nature here, we've had 25 master's and doctoral theses pursued here, we have a dozen different research projects going on, helping us understand things like controls on biological diversity, the impacts of climate change, how our forests are changing over time and what we should do to try to make sure they stay healthy, and we can continue to get clean water out of them. You know, the increase in our knowledge and the increase in the knowledge of all of the thousands of people who have come through here as a result of using it now as a science station instead of as a reservoir has been absolutely tremendous. So I think what has been able to develop here has been a real asset to the Cornwall communities and has been one of the long-term most important implications of the Storm King Case.

TOYA DUBIN

Being involved in the environmental movement to whatever degree I have been involved has been, I guess, the closest thing to religion that I have ever known. Because of that case there became a much greater awareness, and I think there were a lot of people who were very interested in saving the mountain. But I believe there were an equal number of people who really felt very strongly that

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the building of that plant would have provided a relief from taxes for the town for generations to come. And so, I really felt as a kid, that uh, that the town was somewhat divided about which was the right way to go on that decision. My family very clearly fell into one camp, but I had lots of friends whose families fell in the other camp.

BILL SCHUSTER

I think its terrific that those laws were developed and that we have the opportunity to comment and weigh in on those cases. And these are tough situations, our society does need energy, does need power, we need to build buildings, and other infrastructure and they don't always make things necessarily look better. I don't personally take the view that everything we build and everything that's human derived is ugly or bespoils the landscape, in fact, uh, I think sometimes we can develop areas and actually make them better looking and certainly more functional. But I think this issue of scenic natural beauty that we all can jointly share and enjoy is an important one and those areas should be preserved. So I think it is fantastic that right here, we've still got the wonderful, unbroken face of Storm King Mountain dropping off into the Hudson River, to enjoy, rather than a power plant on the location.

TOYA DUBIN

I'd lived in Florida and a number of other places after college, and I came back to Cornwall to live permanently and raise my children there, and I came back to a town that in my absence had begun the process of designating huge tracts of land as permanently conserved. Skunnemonk mountain, that's more than 3,000 acres are up there and Black Rock Forest and uh, I saw families here, who were, every year donating additional small pieces of their land to grow both of those tracts of land. So, you know, that's the main change that I saw come out of the Storm King Case. And what's very interesting to me, I feel like there should be a banner at the front of the town when you enter it, that says, you know, "Home of the beginning of the environmental protection movement: Home to more than some 8,000 acres of pristine, beautiful forests"! But it just says "Welcome to Cornwall".

MUSIC

"And I'm still searching"
[Pete Seeger]

NARRATOR

Aided by other organizations and individuals, Scenic Hudson conducted an intensive campaign to educate the public and to deter Consolidated Edison by legal means. In a negotiated settlement in December of 1980, Consolidated Edison agreed to drop the plan for the Storm King facility. The case lasted 17 years. The lengthy and controversial case had an immense impact on environmental and legal issues affecting the Hudson River Valley and the nation. The Storm King case set important precedents in environmental law, including the right of citizens to participate in environmental disputes, the emergence of environmental law as a legal specialty, ideas Congress incorporated in the Country's first national environment policy act, federal and state regulation of the environment, and it is credited with launching the modern environmental movement.¹³

MUSIC

"And I'm still searching"
[Pete Seeger]

END

CITATIONS

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2. Ibid.
3. Boyle, Robert. *The Hudson: A Natural and Unnatural History.* (New York: W.W. Norton & Company, 1979), 22 – 45.
4. "*The World at 10 News Show with Joseph Durso.*"
5. Ibid.
6. Ibid.
7. Ibid.
8. Ibid.
9. Ibid.
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